



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Thirteenth Meeting Day

Monday Afternoon

February 3, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Peter J. Bunder, Purdue Episcopal Campus Ministry, West Lafayette, the guest of Representative Sue W. Scholer.

The Pledge of Allegiance to the Flag was led by Representative Scholer.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski ☐
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus ☐
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler ☐	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 37: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House stood for a moment of silence in memory of the seven astronauts who died on the shuttle Columbia this weekend.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 4, 2003, at 1:30 p.m.

KUZMAN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 162, 211, 215, 216, 245, and 300 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 10

Representatives Stilwell, Avery, and Becker introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION urging the bureau of motor vehicles to issue a Lincoln themed license plate in 2008 through 2012.

Whereas, In 2009 the nation will celebrate the 200th anniversary of the birth of Abraham Lincoln;

Whereas, Abraham Lincoln has many ties to the state of Indiana;

Whereas, The issuance of an "Indiana-Lincoln's Boyhood Home" license plate would serve as a daily reminder of the great debt we owe to the man who saved the Union;

Whereas, The issuance of a Lincoln themed license plate could also be used to help Indiana celebrate the sesquicentennial of the Civil War in 2011-2015 and, in 2016, the bicentennial of the admittance of Indiana into the Union; and

Whereas, The issuance of a Lincoln themed license plate is a fitting remembrance of a man recognized as one of the greatest presidents ever: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the commissioner of the bureau of motor vehicles to issue a Lincoln themed license plate in 2008 through 2012 in honor of the 200th anniversary of the birth of Abraham Lincoln.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this legislation to the commissioner of the bureau of motor vehicles and to Darrel E. Bigham, member of the Abraham Lincoln Bicentennial Commission.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator R. Young.

House Concurrent Resolution 11

Representative Hinkle introduced House Concurrent Resolution 11:

A CONCURRENT RESOLUTION honoring the Ben Davis High School football team

Whereas, Under Coach Dullaghan the Ben Davis Giants won the Class 5A state championship;

Whereas, The team's achievement is worthy of the recognition of the Indiana General Assembly: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The Indiana General Assembly commends the Ben Davis High School Giants for their achievement and honors the team upon its victory.

SECTION 2. The Secretary of the House of Representatives is hereby directed to transmit a copy of this resolution to Ben Davis High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator M. Young.

House Concurrent Resolution 12

Representative Hinkle introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION honoring Dick Dullaghan upon his retirement as Ben Davis High School football coach

Whereas, Coach Dick Dullaghan has coached high school football for 30 years;

Whereas, Coach Dullaghan has achieved over 300 victories and eight state championships in his coaching career;

Whereas, Coach Dullaghan has a won-lost record of 202-39 at Ben Davis High School;

Whereas, Coach Dullaghan has recently led the Ben Davis Giants to a Class 5A state championship after a 2-3 start;

Whereas, Coach Dullaghan has instilled in countless players the virtues of sportsmanship and competitiveness: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The Indiana General Assembly commends Coach Dick Dullaghan for his distinguished career and honors him upon his retirement.

SECTION 2. The Secretary of the House of Representatives is hereby directed to transmit a copy of this resolution to Coach Dick Dullaghan and to Ben Davis High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator M. Young.

House Concurrent Resolution 13

Representatives Welch, Austin, Becker, Budak, Dickinson, Klinker, L. Lawson, Mays, Noe, Pond, Richardson, Scholer, and Summers introduced House Concurrent Resolution 13:

A CONCURRENT RESOLUTION recognizing February 1 through February 7 as Women's Heart Week.

Whereas, Women's Heart Week was initiated in February 1994 in New Jersey with a proclamation issued by Governor Christie Todd Whitman;

Whereas, The purpose of Women's Heart Week is to raise awareness about heart disease in women and promote risk reduction;

Whereas, Heart disease is the leading killer of women in America, claiming the lives of nearly 500,000 women annually;

Whereas, A national study determined that Indiana had the 17th highest mortality rate for women with heart disease among the 50 states and the District of Columbia;

Whereas, Between 1991 and 1995, 43,542 women died of heart disease in Indiana;

Whereas, More women than men have died from cardiovascular disease every year since 1984; and

Whereas, Unhealthy lifestyle choices and lack of awareness place women at risk of heart disease: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the danger that heart disease poses to women in Indiana and throughout America and encourages all women to make themselves aware of the risk factors involved with heart disease and to display their support of Women's Heart Week by wearing a purple ribbon.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Women's Heart Foundation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Antich, Bowser, Breaux, Dembowski, Gard, Landske, C. Lawson, Lubbers, Miller, Rogers, Simpson, Sipes, and Skillman.

House Resolution 6

Representative Goodin introduced House Resolution 6:

A HOUSE RESOLUTION recognizing Experience Works for its service to the state of Indiana.

Whereas, Experience Works (formerly Green Thumb, Inc.), a national nonprofit, community-based organization, has served the citizens of Indiana for over 37 years;

Whereas, As a result of the services provided by Experience Works, thousands of low-income, older individuals have received valuable training and employment assistance that has improved the quality of their lives and enabled them to remain productive and independent;

Whereas, Local communities have become stronger as a result of the critical human needs, from child and elder care to education and public safety, that have been addressed by Experience Works participants and staff;

Whereas, The business community has benefited by relying on Experience Works as a reliable source of skilled, experienced, and dedicated workers that has helped the business community be competitive in a rapidly changing environment;

Whereas, Experience Works is providing a valuable public service by helping to change negative attitudes about growing older and by expanding training, employment, and community service opportunities for mature individuals at a time when our population is rapidly aging;

Whereas, Experience Works consistently exceeds its goals while serving those most in need and while operating in some of the most rural and economically depressed areas of our state;

Whereas, Experience Works has consistently demonstrated exceptional fiscal and program accountability and provides taxpayers with a positive return on their investment; and

Whereas, Experience Works has established an extensive, cost-effective, innovative service delivery system that is an exemplary public/private partnership and a model for others to follow: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives does hereby commend Experience Works for its significant contributions to the citizens of our state and enthusiastically endorses its efforts to expand its services to help more older individuals, communities, and businesses under the Senior Community Service Employment Program and other initiatives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to officers of Experience Works.

The resolution was read a first time and adopted by voice vote.

House Resolution 7

Representative Kruse introduced House Resolution 7:

A HOUSE RESOLUTION honoring the life of Charles "Bob" Ridge for his forty years of public service.

Whereas, Charles "Bob" Ridge, a rural Butler resident, departed this earthly life on January 19, 2003;

Whereas, Friends and family members gathered at the Dekalb County Courthouse Rotunda on January 11, 2003 to celebrate Ridge's forty years of service in county politics, as Ridge had recently stepped down from the Dekalb County Council;

Whereas, The guest of honor was unable to attend due to being admitted to Fort Wayne's Lutheran Hospital;

Whereas, The DeKalb Sheriff John Dennis presented a framed certificate to Mr. Ridge's wife Evelyn and sons Jack, Jim and Jeff, naming Bob as an honorary deputy sheriff;

Whereas, During his time on the Council, Mr. Ridge greeted many dignitaries, including former President Dan Quayle, Senator Dan Coats, and current Speaker of the House Dennis Hastert;

Whereas, Mr. Ridge was a Wilmington Township precinct committeeman, who then served the remainder of a term on the City County Council and proceeded to run for re-election, the youngest person on the council;

Whereas, In addition to his service to the Council, Mr. Ridge recently completed fourteen years on the Dekalb County Plan Commission;

Whereas, Mr. Ridge was an active supporter and participant in the DeKalb County 4-H program;

Whereas, One of Mr. Ridge's proudest accomplishments was the new bridge being built in Spencerville;

Whereas, Bob's peers described him as a man of principle and integrity, honest, hard-working, serious, knowledgeable and devoted to serving his community to the best of his ability;

Whereas, Bob's family and friends described him as dedicated, with a big heart and love for his family, and a good neighbor;

Whereas, Bob was a lifelong farmer, continuing the heritage of his family;

Whereas, Bob lived an exemplary life and brought joy to the lives of all who knew him: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the life of Charles "Bob" Ridge is honored, and that his contribution to his community is gratefully appreciated.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mrs. Ridge, each of his sons and grandchildren, and the Dekalb County Council.

The resolution was read a first time and adopted by voice vote.

House Resolution 8

Representative Denbo introduced House Resolution 8:

A HOUSE RESOLUTION honoring the First Baptist Church of Mitchell, Indiana, on the occasion of its 100th anniversary.

Whereas, Christianity has played an influential role in nearly every stage of our nation's development;

Whereas, The church is the focal point of the daily lives of many citizens of each community;

Whereas, It is from the church that many people draw comfort in times of tragedy and hope in times of despair, and in it they share their happiness in times of joy;

Whereas, The church is actually an extension of the people and much more than a building;

Whereas, The church, its pastor, and the congregation are an extended family that provides support to its members in both good and bad times;

Whereas, The congregation of the First Baptist Church of Mitchell has been receiving comfort and support from the presence of the church building for 100 years;

Whereas, The First Baptist Church building has stood as an anchor to the community, serving as a meeting place, a bright light of hope in dark times, and a unifying structure throughout the century;

Whereas, The building that houses the church was dedicated on February 8, 1903; and

Whereas, The First Baptist Church of Mitchell stands as a symbol of God's love and the dedication of its members to live lives that are filled with God's presence: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives realizes the importance the church plays in the lives of the citizens of Indiana and wishes to recognize the 100th anniversary of the First Baptist Church building.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the pastor of the First Baptist Church of Mitchell.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1049, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "or".

Page 2, line 2, delete "." and insert ";".

Page 2, between lines 2 and 3, begin a new line double block indented and insert:

"(F) is a community action agency (as defined in IC 12-14-23-2); or

(G) is the owner or operator of a hospice program licensed under IC 16-25-3."

(Reference is to HB 1049 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House

with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 8, begin a new paragraph and insert: "SECTION 1. IC 14-33-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The board shall budget and appropriate annually to the fund an amount equivalent to ten percent (10%) of the annual cost of maintenance for the works of improvement as the cost is:

(1) stated in the district plan; or

(2) adjusted under section 8 of this chapter.

(b) Money accumulated in the fund may be used for emergency or unusually expensive maintenance of the works of improvement."

Page 2, line 19, after "by" insert "either".

Page 2, line 20, delete "National" and insert "Natural".

Page 2, line 22, delete "," and insert "or a professional engineer licensed under IC 25-31-1."

Renumber all SECTIONS consecutively.

(Reference is to HB 1148 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BISCHOFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1149, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, strike lines 28 through 29.

Page 5, line 30, strike "(C)" and insert "(B)".

Page 5, line 31, delete "." and insert "**who are nominated by a recognized supporter of historic sites.**"

Page 5, line 32, strike "(D)" and insert "(C)".

Page 7, line 27, after "3." insert "(a)".

Page 7, after line 29, begin a new paragraph and insert:

"(b) At least fifty-one percent (51%) of the fees collected under IC 14-10-2-1(5) from a particular historic site must be used for:

(1) educational programs conducted at the historic site; and

(2) the maintenance and operation of the historic site."

(Reference is to HB 1149 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BISCHOFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1398, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 5.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1423, has had the same under consideration and

begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "taxes paid:" and insert "**income tax liability of a shareholder, partner, beneficiary, or member of a taxpayer that is pass through entity and that incurred an expenditure:**

(1) described in IC 6-3.1-6-2;

(2) under an agreement with the commissioner of the department of correction;

(3) for an operation conducted for inmates of Rockville Correctional Facility; and"

Page 1, line 3, delete "(1)" and insert "(4)".

Page 1, line 4, delete "; and" and insert ".".

Page 1, delete lines 5 through 18, begin a new paragraph and insert:

"(b) The definitions in IC 6-3.1-6-1 apply throughout this SECTION.

(c) A shareholder, partner, beneficiary, or member of a pass through entity is entitled to a tax credit under IC 6-3.1-6 for a taxable year described in subsection (a) to the same extent as if IC 6-3.1-6-6, as added by P.L.129-2002, SECTION 6, had been in effect for that taxable year.

(d) Any penalties or interest assessed against a shareholder, partner, beneficiary, or member of the pass through entity solely because the pass through entity reported or because a shareholder, partner, beneficiary, or member of the pass through entity claimed a credit under IC 6-3.1-6 on a return filed for a taxable year described in subsection (a) is waived.

(e) If a shareholder, partner, beneficiary, or member of a pass through entity is entitled to a refund as a result of the enactment of this SECTION, the taxpayer or shareholder, partner, beneficiary, or member of a taxpayer may claim the refund under IC 6-8.1-9. The three (3) year time limitation imposed under IC 6-8.1-9-1 on filing a claim for refund does not apply to a refund claimed as a result of the enactment of this SECTION."

Page 2, delete lines 1 through 28.

Page 2, line 29, delete "(e)" and insert "(f)".

(Reference is to HB 1423 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1565, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1627, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 11, delete "or".

Page 3, line 14, delete "area." and insert "**area; or**

(3) a wire center located in a rural statistical area.

(h) An incumbent local exchange telecommunications service provider subject to 47 U.S.C. 251(f) shall provide unbundled network elements to the extent specifically required under Federal Communications Commission regulations."

Page 3, line 30, delete "commission" and insert "**following entities"**

Page 3, line 31, delete "agency".

Page 3, line 32, delete "service unless the regulation is" and insert "**"service:**

(1) The commission.**(2) A municipality.****(3) A political subdivision."**

Page 3, delete lines 33 through 35.

Page 4, line 33, delete "may" and insert **"has changed to"**.

Page 4, line 34, delete "have decided to use".

(Reference is to HB 1627 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 3.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1640, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1690, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 4.

BOTTORFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1692, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "a" insert **"standard"**.

Page 2, line 28, after "a" insert **"standard"**.

Page 5, line 25, strike "(8) A representative of a county".

Page 5, line 25, delete "farm".

Page 5, line 25, strike "mutual insurance".

Page 5, strike line 26.

Page 5, line 27, strike "(9)" and insert **"(8)"**.

Page 5, line 31, delete "The" and insert **"Except as provided in IC 27-5.1-2-8, the"**.

Page 6, line 22, strike "(c) This chapter shall not apply to".

Page 6, line 22, delete "farm".

Page 6, line 22, strike "mutual insurance".

Page 6, line 23, strike "companies organized and operating under IC 27-5".

Page 6, line 23, delete "(before its repeal)".

Page 6, line 24, delete "or IC 27-5.1".

Page 6, line 24, strike "unless and only to the extent that".

Page 6, line 24, after "IC 27-5", delete "IC 27-5.1".

Page 6, strike line 25.

Page 6, line 26, strike "this chapter."

Page 8, line 28, delete "a fund consisting of".

Page 9, line 7, after "the" insert **"farm mutual insurance"**.

Page 9, line 12, delete "under" and insert **"described in"**.

Page 9, line 15, delete "exam" and insert **"examination"**.

Page 9, line 27, delete "Three (3) copies of the" and insert **"An"**.

Page 9, line 28, delete "must be submitted to the commissioner. The application".

Page 9, line 29, delete "contain" and insert **"include"**.

Page 9, line 34, delete "A copy" and insert **"Three (3) copies"**.

Page 10, line 2, after "least" insert **"**:

- (1) two hundred fifty (250) applications for insurance policies; and**
- (2)".**

Page 10, line 3, after "premiums" insert **";**".

Page 10, line 3, beginning with "before" begin a new line blocked left.

Page 10, line 22, delete "a" and insert **"an insurance"**.

Page 10, delete line 26.

Page 10, line 27, delete "(B)" and insert **"(A)"**.

Page 10, line 28, delete "(C)" and insert **"(B)"**.

Page 11, line 1, delete "rules and regulations on".

Page 11, line 19, delete "multiple line" and insert **"domestic mutual"**.

Page 11, line 20, delete "IC 27-1-6-16." and insert **"IC 27-1-6-15."**.

Page 11, line 29, after "(2)" insert **"IC 27-1-3.1."**

(3)".

Page 11, delete line 30.

Page 11, line 34, after "(7)" insert **"IC 27-1-10."**

(8)".

Page 11, line 35, delete "(8)" and insert **"(9)"**.

Page 11, between lines 35 and 36, begin a new line block indented and insert:

"(10) IC 27-1-15.6."

Page 11, line 36, delete "(9)" and insert **"(11)"**.

Page 11, line 37, delete "(10)" and insert **"(12)"**.

Page 11, line 38, delete "(11)" and insert **"(13)"**.

Page 11, line 39, delete "(12)" and insert **"(14)"**.

Page 11, line 40, delete "(13)" and insert **"(15)"**.

Page 11, line 41, delete "(14)" and insert **"(16)"**.

Page 11, line 42, delete "(15)" and insert **"(17)"**.

Page 12, line 1, delete "(16)" and insert **"(18)"**.

Page 12, line 2, delete "(17)" and insert **"(19)"**.

Page 12, line 3, delete "(18)" and insert **"(20)"**.

Page 12, line 4, delete "(19)" and insert **"(21) Except as provided in IC 27-6-1.1-6,"**.

Page 12, between lines 4 and 5, begin a new line block indented and insert:

"(22) IC 27-6-2."

Page 12, line 5, delete "(20)" and insert **"(23)"**.

Page 12, line 6, delete "(21)" and insert **"(24)"**.

Page 12, between lines 6 and 7, begin a new line block indented and insert:

"(25) IC 34-30-17."

Page 12, line 35, after "the" insert **"farm mutual insurance"**.

Page 12, line 39, after "the" insert **"farm mutual insurance"**.

Page 13, line 36, after "amended by the" insert **"farm mutual insurance"**.

Page 13, line 36, after "with the" insert **"farm mutual insurance"**.

Page 13, line 40, after "the" insert **"farm mutual insurance"**.

Page 14, line 6, delete "and approved by".

Page 14, line 9, after "notifies the" insert **"farm mutual insurance"**.

Page 15, line 19, after "the" insert **"farm mutual insurance"**.

Page 15, line 20, after "in the" insert **"Marion County"**.

Page 15, line 20, delete "of".

Page 15, delete line 21.

Page 15, line 22, delete "principal office".

Page 15, line 40, delete "for a" and insert **"for an insurance"**.

Page 15, line 40, delete "hold a" and insert **"hold an insurance"**.

Page 16, line 38, delete "must" and insert **"shall"**.

Page 17, line 20, delete "its" and insert **"the farm mutual insurance company's"**.

Page 18, line 33, delete "the following" and insert **"a certificate of merger"**.

Page 18, line 34, delete ":" and insert **"."**.

Page 18, delete lines 35 through 36.

Page 21, line 2, delete "may" and insert **"shall"**.

Page 22, line 17, delete "in" and insert **"on the face page of"**.

Page 22, delete lines 21 through 23.

Page 23, line 25, delete "(20)" and insert **"(10)"**.

Page 23, line 37, delete "agent," and insert **"insurance producer,"**.

Page 24, line 7, after "41." insert **"(a) A farm mutual insurance company may elect to be subject to the provisions of IC 27-1, as provided by IC 27-1-11-1, with the rights, privileges, and franchises provided under IC 27-1.**

(b) An election under subsection (a) becomes effective on the date of issuance of a new certificate of authority under IC 27-1-11-7.

(c) An insurance policy that is:

(1) issued or bound by a farm mutual insurance company that makes an election under subsection (a); and

(2) in effect on the date the election becomes effective;

is not invalidated by IC 27-1, but remains in full force and effect until expiration or termination of the insurance policy. However, IC 27-1 applies to an insurance policy described in this subsection beginning three (3) years after the date the election becomes effective.

Sec. 42. A company or association organized before January 1, 1870, that provides the kind of insurance described in this article and has not made an election under IC 27-5-1-14 (before its repeal) is not subject to this article unless the company or association elects to conduct the company's or association's business under this article by a resolution:

(1) adopted by the company's or association's board of directors or policyholders;

(2) filed with the commissioner; and

(3) approved by the commissioner.

Sec. 43."

Page 31, line 8, delete "farm".

Page 31, line 9, delete "mutual insurance".

(Reference is to HB 1692 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1695, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1702, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1704, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 8, after "Sec. 7." insert **"(a)"**.

Page 3, line 9, delete ", indoor air quality inspections,".

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"(b) The state department may make indoor air quality inspections of all public buildings and institutions that are occupied by an agency of state or local government."

Page 3, line 11, before "After" begin a new paragraph and insert:

"(c)".

(Reference is to HB 1704 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1724, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

HASLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1742, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1792, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1798, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 2 through 6, begin a new line double block indented and insert:

"(A) the county executive;

(B) the county surveyor (or the county surveyor's designee); and

(C) one (1) engineer licensed under IC 25-31 appointed by the county executive;".

Page 2, delete lines 25 through 30, begin a new line block indented and insert:

"(1) the members of the county executive;

(2) the county surveyor (or the county surveyor's designee); and

(3) one (1) engineer licensed under IC 25-31 appointed by the county executive;".

Page 2, line 33, delete "or the drainage board under subdivision (1)".

Page 2, line 34, delete "or (2), respectively,".

Page 2, line 35, delete "or the drainage board. If the county" and insert ".".

Page 2, delete line 36.

Page 2, line 37, delete "subdivision (1), the" and insert **"The"**.

Page 2, line 38, delete "If an" and insert **"The ordinance must prescribe the term of the engineer appointed under subdivision (3)."**

Page 2, delete lines 39 through 42.

Page 3, line 1, delete "a director" and insert **"the engineer"**.

Page 8, line 31, delete "(a) Two (2) or more storm water" and insert **"If the department:**

(1) uses private property for storm water collection or disposal; and

(2) obtains the consent of the owner of the private property to maintain the private property;

the department shall maintain the private property.

SECTION 18. IC 8-1.5-5-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28. A person may not be required to screen a storm water outfall if the pipe diameter of the storm water outfall is less than twenty-four (24) inches."**

Page 8, delete lines 32 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1798 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BOTTORFF, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1085

Representative Goodin called down House Bill 1085 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1110

Representative Cheney called down House Bill 1110 for second reading. The bill was reread a second time by title.

HOUSE MOTION (Amendment 1110-2)

Mr. Speaker: I move that House Bill 1110 be amended to read as follows:

Page 1, line 16, delete "remove or prevent placement of" and insert "erect".

Page 2, between lines 1 and 2, begin a new paragraph and insert: **"(c) A uniform roadside memorial higher than ground level may remain in place not longer than one (1) year."**

Page 2, line 2, delete "(c)" and insert "(d)".

Page 2, line 11, delete "(d)" and insert "(e)".

Page 2, line 12, after "erected" insert "**or sanctioned**".

Page 2, line 13, delete "(e)" and insert "(f)".

Page 2, line 15, delete "(f)" and insert "(g)".

Page 2, line 32, after "the" insert "**Indiana**".

(Reference is to HB 1110 as reprinted January 24, 2003.)

CHENEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1164

Representative Dickinson called down House Bill 1164 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1237

Representative Torr called down House Bill 1237 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1358

Representative V. Smith called down House Bill 1358 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1359

Representative V. Smith called down House Bill 1359 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1368

Representative Foley called down House Bill 1368 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1395

Representative Becker called down House Bill 1395 for second

reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1399

Representative Summers called down House Bill 1399 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1438

Representative Welch called down House Bill 1438 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1469

Representative Borror called down House Bill 1469 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1561

Representative Herrell called down House Bill 1561 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1584

Representative Summers called down House Bill 1584 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1057

Representative Goodin called down Engrossed House Bill 1057 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 38: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Lanane.

Engrossed House Bill 1131

Representative C. Brown called down Engrossed House Bill 1131 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Turner was excused from voting.

Roll Call 39: yeas 65, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Broden, and S. Smith.

Representative Mangus, who had been excused, was present.

Engrossed House Bill 1135

Representative C. Brown called down Engrossed House Bill 1135 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Murphy was excused from voting.

Roll Call 40: yeas 62, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, S. Smith, and Breaux.

Engrossed House Bill 1252

Representative V. Smith called down Engrossed House Bill 1252 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 41: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark, Dillon, Rogers, and S. Smith.

Engrossed House Bill 1269

Representative Orentlicher called down Engrossed House Bill 1269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 42: yeas 83, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Breaux.

Engrossed House Bill 1729

Representative Aguilera called down Engrossed House Bill 1729 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 43: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 11047 and 1690 had been referred to the Committee on Ways and Means.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1057, Roll Call 38, on February 3, 2003. In support of this petition, I submit the following reason:

"I was present and near my seat, but the machine did not register my vote; I intended to vote yea."

BEHNING

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 38 to 91 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres and Grubb be added as coauthors of House Bill 1009.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as coauthor of House Bill 1085.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Liggett, Robertson, and Koch be added as coauthors of House Bill 1149.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives D. Young and Thompson be added as coauthors of House Bill 1260.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Yount be added as coauthor of House Bill 1462.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be added as coauthor of House Bill 1474.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ripley and Buck be added as coauthors of House Bill 1545.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative L. Lawson be added as coauthor of House Bill 1558.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Adams be added as coauthor of House Bill 1609.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Fry, Bischoff, and Heim be added as coauthors of House Bill 1692.

RIPLEY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Hinkle, the House adjourned at 2:55 p.m., this third day of February, 2003, until Tuesday, February 4, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives